

The US 44 CIVIL COVER SHEET AND THE INFORMATION CONTAINED HEREIN NEITHER REPLACE NOR SUPPLEMENT THE FILING AND SERVICE OF PAPERS OR OTHER PAPERS REQUIRED BY LAW OR AS AUTHORIZED BY LOCAL RULES OF COURT. THIS FORM, APPROVED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES IN SEPTEMBER 1974, IS REQUIRED FOR ALL CASES FILED OR COMPLETED FOR THE PURPOSE OF INITIATING A CIVIL ACTION.

(b) PLAINTIFFS

Michael Everett, Rose A. Torres and
Soel Morales

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Miami-Dade
(EXCEPT IN U.S. PLAINTIFF CASES)

Miami-Dade 22525/Martha Ortiz

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Andres Rivera-Artiz, Esq.
Law Offices of Andres Rivera-Artiz, P.A.
330 S.W. 27th Ave, Suite 608, Miami, FL 33135

DEFENDANTS

Tenet Healthcare Corporation and
American Med. Central, Inc. d/b/a
Palmetto General Hospital

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

CIV-MARTINEZ

ATTORNEYS (IF KNOWN)

unknown

MAGISTRATE JUDGE
DUBI

(d) CIRCLE COUNTY WHERE ACTION AROSE:

DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

H. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff

Federal Question
(U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State

PTF DEF

Incorporated or Principal Place of Business in This State

PTF DEF

Citizen of Another State

PTF DEF

Incorporated or Principal Place of Business in Another State

PTF DEF

Citizen or Subject of a Foreign Country

PTF DEF

Foreign Nation

PTF DEF

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

IVa. 2 days estimated (for both sides) to try entire case.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

A CONTRACT	A TORTS	B FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Delinquent Student Loans (Excl. Veterans)	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Absentee Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 801 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Masters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> * 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
<input type="checkbox"/> A or <input type="checkbox"/> B		<input type="checkbox"/> A CIVIL RIGHTS <input type="checkbox"/> B PRISONER PETITIONS		

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Re-filed
 5 another district (specify)

Transferred from
another district (specify)

6 Multidistrict Litigation

Appeal to District
 7 Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
 UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

9/25/03

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY: Receipt No. 884846 Amount: 150 -

Date Paid: 9/25/03

W/inf.

03-22525

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
CASE NO.

MICHIEL EVERETT, JOSE A. TORRES, and
JOEL MORALES
Plaintiffs

v.

TENET HEALTHCARE CORPORATION and
AMERICAN MED. CENTRAL, INC.
d/b/a PALMETTO GENERAL HOSPITAL
Defendants

CIV-MARTINEZ

MAGISTRATE JUDGE
DUBÉ

COMPLAINT

1. Plaintiffs, MICHIEL EVERETT, JOSE A. TORRES, and JOEL MORALES ("Everett", "Torres", and "Morales", respectively, or "Plaintiffs", collectively) bring this action against TENET HEALTHCARE CORPORATION and AMERICAN MED CENTRAL, INC. d/b/a PALMENTO GENERAL HOSPITAL (TENET and AMERICAN, respectively, or Defendants collectively) for compensation and other relief under the Fair Labor Standards Act (the "Act" or "FLSA"), as amended, 29 U.S.C. § 216(b).

2. Defendants are corporations with an office and place of business in Miami-Dade County, Florida, where they are engaged in the medical industry.

3. This action is brought to recover from Defendants unpaid overtime compensation, liquidated damages, and costs and reasonable attorney's fees under the provision of 29 U.S.C. § 201 et seq., and specifically under the provisions of 29 U.S.C. § 216(b).

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4. Jurisdiction is conferred on this Court by 28 U.S.C. § 1337 and by 29 U.S.C. § 216(b). Defendants are, and at all times pertinent to this Complaint were, engaged in interstate commerce. At all times pertinent to this Complaint Defendants, individually and/or collectively, regularly owned and operated a business and utilized goods, products and/or materials that moved in interstate commerce. Based upon information and belief the annual gross sales of Defendants, individually and/or collectively, were in excess of \$500.000.00 per annum.

5. Tenet and American were single and/or joint employers of Plaintiffs. By reason of the foregoing, Defendants were, individually and collectively, during all times hereafter mentioned an enterprise engaged in commerce or in the production of goods for commerce as defined in §§ 3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s).

6. At all times pertinent to this Complaint Defendants failed to comply with 29 U.S.C. §§ 201-219, and DOL Regulation 29 C.F.R. §§516.2 and 516.4, in that Plaintiffs performed services for Defendants for which no provision was made by the Defendants to properly pay Plaintiffs for those hours.

7. Everett started to work for Defendants around 2001. Torres started to work for Defendants around 1998. Morales started to work for Defendants around 2002. Plaintiffs worked as polysomnographic technicians ('Sleep Technicians") at Palmetto General Hospital in Miami, Florida. By reason of such employment, Plaintiffs were employed during the relevant period by an enterprise engaged in commerce or in the production of goods for commerce within the

meaning of 29 U.S.C. §§ 206(a) and 207(a). Further, Plaintiffs themselves were engaged in commerce. The work performed by Plaintiffs was directly essential to the business of Defendants in interstate commerce, which was directly essential to the business performed by Defendants.

8. Torres hourly rate at Defendants was \$21.61 an hour. Everett's hourly rate at Defendants was \$20.03 an hour. Morales's hourly rate at Defendants was \$17.50 an hour.

9. In the course of employment with Defendants, Plaintiffs worked the number of hours required of them but were not paid time and one-half for all the hours worked in excess of forty (40) per work week during one or more work weeks.

10. The records concerning the number of hours actually worked by Plaintiffs are in the possession, custody and control of Defendants.

COUNT I: RECOVERY OF OVERTIME COMPENSATION

11. Plaintiffs readopt and re-allege all allegations contained in Paragraphs 1 through 10 above.

12. Plaintiffs are entitled to be paid time and one half of their regular rate of pay for each hour worked in excess of forty (40) per work week for each week during the relevant period where they were not paid said time and one half.

13. By reason of the said intentional, willful and unlawful acts of Defendants, Plaintiffs have suffered damages plus incurring costs and reasonable attorney's fees.

14. As a result of Defendants' willful violation of the Act, Plaintiffs are entitled to liquidated damages in an equal amount to that set forth in Paragraph 12 above.

WHEREFORE Plaintiffs demand judgment against Defendants, jointly and/or severally, for the wages and overtime payments due them during the relevant period for the hours worked by them for which they were not been properly compensated, liquidated damages and attorney's fees and cost of suit, and for all proper relief including prejudgment interest. Plaintiffs further request that the Court award such other remedies as it deems just and proper. Plaintiffs demand trial by jury.

DATED THIS 25 day of Sep, 2003

Respectfully submitted,

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